



WALGA
5th February 2009

Our Ref: 05-031-01-0003/JAL

Your Ref:

Dr Janet Woollard
Education and Health Standing Committee
Parliament House
Perth WA 6000

Dear Dr Woollard

Inquiry into the Tobacco Products Control Amendment Bill 2008

Western Australian Local Government supports the need to protect and improve the health of its communities and acknowledges the serious threat to public health posed by tobacco smoking. Further impacts on environmental health and the potential for waste management issues are also noted.

It is likely that the proactive actions of several Local Governments that have imposed local laws on tobacco will be increasingly adapted and varied across other jurisdictions, at the request of their respective communities.

In October 2006 the Association advised the Department of Health of a WALGA State Council resolution to the effect that smoking enforcement should be vested with WA Police; or adequate resources should be transferred to Local Government by the State Government for enforcement and education. (see attachment 1)

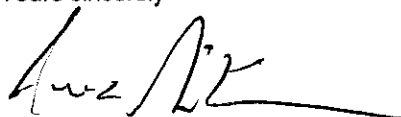
While WALGA supports tobacco control, concerns have been expressed by our Members that further administrative burdens and responsibilities could be placed on already stretched professional local government resources such as Environmental Health Officers (EHOs).

The above was the case following the introduction of the Health Regulations 1999 (Smoking in Enclosed Public Places) which resulted in additional responsibilities being placed upon Local Government EHOs with no additional human or financial resources being provided by the State.

I request that the principles of the *Intergovernmental Agreement* underpin tobacco control planning. The Agreement sets out a formal framework to ensure that any financial and other impacts are taken into account when legislative, regulatory and functional changes are imposed upon Local Government.

For enquiries please contact Jodie Holbrook, Policy Manager - Community, on 9213 2044 or email jholbrook@walga.asn.au.

Yours sincerely



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2.5	<i>Enforcement of the Tobacco Products Control Act 2006 and Regulations (05-031-01-0003/MM)</i>
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RESOLUTION 116.COM.5/2006

That:

1. WALGA strongly requests the State Government to vest responsibility for the enforcement of the *Tobacco Products Control Act 2006* and the *Tobacco Products Controls Regulations 2006* be with the WA Police Service;
2. if (1) is not agreed to, then the Health Department of Western Australia and the Department of Racing Gaming and Liquor provide Local Government with adequate resources to implement the education and enforcement of the prohibition of smoking in licensed premises required by Local Government under the *Tobacco Products Control Act 2006* and *Tobacco Products Controls Regulations 2006*;
3. the Association continue to pursue measures to ensure that whenever Local Government receives new responsibilities, it receives the additional resources necessary to properly undertake that responsibility; and
4. a Policy Forum be conducted with Member Councils to address the implications of cost shifting on Local Government and the resourcing of devolved responsibilities.